

**REMARKS**

Claims 1-25 remain pending in this application for consideration. Claims 1, 3, 4, 6, 9, and 16 have been amended to clarify aspects of the invention. Support for the amendments to the claims can be found in the original specification, thus Applicant believes that these amendments do not add new matter to the application. Also submitted herewith is a Petition for Extension of Time Under 37 C.F.R. § 1.136(a), requesting a three month extension in which to file this response, along with the requisite fee.

**Rejections Under 35 U.S.C. § 101**

The examiner rejected claims 1-7 under 35 U.S.C. § 101 as not being directed to statutory subject matter as the invention in the body of the claims is not tied to any technological art.

By the amendments submitted herewith, Applicant has clarified in the body of the claims that those claims are directed to a computer-implemented method. Thus, Applicant believes that the Examiner's rejection of claims 1-7 under 35 U.S.C. § 101 is now moot, and the rejection should be withdrawn.

**Rejections Under 35 U.S.C. § 102**

The examiner rejected claims 1, 3, 5, 9, 10, and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,574,608 to Dahod et al. ("Dahod"). Applicant respectfully traverses this rejection for the following reasons:

Dahod is directed to a buyer-driven Web-based system for connecting registered buyers and sellers of products and services (see Dahod, Abstract). In Dahod, a potential buyer of goods or services posts a listing on a Web site describing the goods or services in which they are interested (Dahod, column 4, lines 47-56). Interested sellers manually browse or search the

posted listings, and, for a fee, respond to individual potential buyers with a description of the goods or services they are offering (Dahod, column 4, lines 55-64, and column 6, lines 29-32). Having responded, the buyer and seller are free to exchange information and complete the transaction (Dahod, column 6, lines 60-65).

By contrast, the claims of the present application are directed to a seller-driven system and method of generating sales leads directed to the users (i.e., potential buyers) of the system, based on search criteria submitted by those users in searching a preexisting database of goods (i.e., houses) being offered for sale by the sellers.

*Claims 1, 9, and 16*

Independent claim 1 of the present application requires: (a) maintaining a prospect database identifying device-identifying information and corresponding prospect information comprising prospect-identifying information, anonymously submitted search criteria, and search information corresponding to said search criteria; (b) transmitting said prospect information to a business expert in a prospect presentation, wherein the prospect presentation is designed to enable generation of a proposal, and wherein the prospect information does not include said device-identifying information; and (c) transmitting the proposal to a device associated with the prospect for which the proposal is generated.

Dahod, being a buyer-driven system, does not disclose maintaining a database having device-identifying information as required in independent claim 1 of the present application. Maintaining device-identifying information allows the system to use identifiers or cookies associated with a particular device to receive proposals from a business expert. Thus, a user is not required to register in order to receive proposals from the system. The system of Dahod, however, does not disclose maintaining device-identifying information, and requires

registration by users/buyers (see Dahod, column 5, lines 7-20). Additionally, Dahod does not disclose maintaining a database comprising stored search criteria, and search information corresponding to that search criteria. While Dahod discloses that sellers (not buyers) can search the listings posted by the buyers (see Dahod, column 6, lines 29-34), there is no disclosure in Dahod that the results of that search or the search criteria be saved and maintained in a database as is required in claim 1 of the present application. Dahod simply allows searching of posted listings. The search results and the search criteria are not then stored as part of a database used to generate leads and tracking information. Since Dahod does not disclose all of the limitations present in claim 1 of the present application, that claim is not anticipated by Dahod, and the Examiner's rejection should be withdrawn.

Similarly, independent claim 9 of the present application requires "a database for storing prospects having anonymously submitted search criteria", and independent claim 16 of the present application requires the step of "generating a prospect having anonymously submitted search criteria". In addition, claim 9 also requires receiving requests "including device-identifying information", and claim 16 requires "device-identifying information". As discussed above with respect to claim 1, Dahod does not disclose either storing search criteria or device-identifying information. Thus, for the reasons discussed with respect to claim 1, claims 9 and 16 are also allowable, and the Examiner's rejection should be withdrawn.

*Claims 3, 5, 10*

Claims 3 and 5 depend from independent claim 1, and claim 10 depends from independent claim 9. Since independent claims 1 and 9 are allowable for the reasons discussed above, dependent claims 3, 5, and 10 are thus also allowable, since they simply have additional

limitations beyond the claims from which they depend. Thus, the Examiner's rejection of these claims should be withdrawn.

### **Rejections Under 35 U.S.C. § 103**

The examiner rejected claims 6-8, 12-15, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Dahod (discussed above), rejected claims 2, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Dahod in view of U.S. Patent 6,574,608 to Liu et al. ("Liu"), rejected claim 4 as being unpatentable over Dahod in view of U.S. Patent 5,794,207 to Walker et al. ("Walker '207), rejected claims 21-23 as being unpatentable over Dahod in view of U.S. Publication 2002/0169626 to Walker ("Walker '626") , and rejected claims 24 and 25 as being unpatentable over Dahod in view of Walker '626 in further view of U.S. Patent No. 6,662,199 to Flight et al. ("Flight").

#### *Claims 6-8*

The examiner rejected claims 6-8 under 35 U.S.C. § 103(a) as being obvious over Dahod. Claims 6-8 depend from claim 1, discussed above. Since claim 1 is allowable for the reasons discussed above, claims 6-8, which each add further limitations beyond those in claim 1, are thus also allowable. Thus, the Examiner's rejection of claims 6-8 should be withdrawn.

In addition, with respect to claim 6, the Examiner states that it would have been obvious to one skilled in the art to add the four additional steps (a-d) of claim 6 to achieve "communications compatibility between parties." The Examiner further states that "these steps are well known in the art", and would have been added "for the purpose of easily, efficiently and inexpensively connecting prospective buyers of goods and service with qualified sellers."

Applicant respectfully disagrees, and suggests that the Examiner is engaging in classic, improper hindsight reconstruction. Dahod makes absolutely no teaching, suggestion, or disclosure of including a device identifier in a request for formatted data, nor of adding a proposal notification to a generated set of formatted data prior to sending the data. The Examiner is simply looking at the steps for providing a proposal notification of the present application, and, in hindsight, reflecting that those steps could have been added to the system taught in Dahod. This is not the appropriate test for determining obviousness. As stated in MPEP §2143.01, the mere fact that references can be combined or modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. There is no such suggestion in Dahod of the desirability of requiring a device identifier. In fact, by requiring user registration, Dahod bypasses the usefulness of including a device identifier. Thus, the Examiner's proposed modification of Dahod is improper. For this additional reason, the Examiner's rejection of claim 6 should be withdrawn.

#### *Claims 12-15*

The examiner rejected claims 12-15 under 35 U.S.C. § 103(a) as being obvious over Dahod. Claims 12-15 depend from claim 9, discussed above. Since claim 9 is allowable for the reasons discussed above, claims 12-15, which add further limitations to those in claim 9, are thus also allowable. Thus, the Examiner's rejection of claims 12-15 should be withdrawn.

In addition, with respect to claim 12, the Examiner states that it would have been obvious to one skilled in the art to not provide leads from particular prospects based upon gateway information for the particular prospects and gateway affiliation information for the particular business experts. Dahod makes absolutely no teaching, suggestion, or disclosure of obtaining or using any gateway information whatsoever, much less using such information to

determine whether or not leads would be passed on to a requestor based on such information.

Once again, the Examiner is engaging in hindsight reconstruction to impart the Applicant's claimed invention into prior art where it is not disclosed. In fact, Dahod explicitly states that a disadvantage of seller-driven systems (as opposed to Dahod's buyer-driven system) is that a seller's broad qualification of buyers, such as using demographic information, unnecessarily limits the market to a few selected sellers (see Dahod, column 1, lines 64-66 and column 2, lines 1-11 and 65-69). Thus, Dahod teaches that using broad qualifying criteria, such as gateway information, is not desirable. As stated in MPEP §2145, it is improper to modify references where the references teach away from the modification. Here, Dahod teaches away from using gateway information to limit the number of prospects or business experts as required in claim 12 of the present application. Thus, for this additional reason, the Examiner's rejection of claim 12 is improper, and should be withdrawn.

#### *Claims 18-20*

The examiner rejected claims 18-20 under 35 U.S.C. § 103(a) as being obvious over Dahod. Claims 18-20 depend from claim 16, discussed above. Since claim 16 is allowable for the reasons discussed above, claims 18-20, which add further limitations to those in claim 16, are thus also allowable. Thus, the Examiner's rejection of claims 18-20 should be withdrawn.

#### *Claims 2, 11, and 17*

The examiner rejected claims 2, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Dahod in view of U.S. Patent 6,574,608 to Liu et al. ("Liu"). Claim 2 depends from claim 1, and claims 11 and 15 depend from claim 9. Since independent claims 1 and 9 are allowable for the reasons discussed above, claims 2, 11, and 17, which add further limitations to

distinguish over the claims from which the depend, are thus also allowable. Thus, the Examiner's rejection of claims 2, 11, and 17 should be withdrawn.

*Claim 4*

The examiner rejected claim 4 as being unpatentable over Dahod in view of U.S. Patent 5,794,207 to Walker et al. ("Walker '207). Claim 4 depends from claim 1, discussed above. Since claim 1 is allowable for the reasons discussed above, claim 4, which adds further limitations beyond those in claim 1, is thus also allowable. Thus, the Examiner's rejection of claim 4 should be withdrawn.

*Claims 21-23*

The examiner rejected claims 21-23 under 35 U.S.C. § 103(a) as being obvious over Dahod in view of U.S. Publication 2002/0169626 to Walker ("Walker '626").

Independent claim 21 of the present application requires, among other things, storing search criteria in association with search-requestor information, without a requirement of user registration. As discussed above with respect to claim 1, the buyer-driven system of Dahod teaches away from a non-registration system, and specifically does require a user to register in order to receive proposals from the system (see Dahod, column 5, lines 7-21). Similar to Dahod, Walker '207 discloses a commercial network designed to facilitate a buyer-driven commerce system. Also similar to Dahod, Walker '207 requires users to register and provide information prior to using the system (see, e.g., Walker '207, column 13, lines 1-9). Thus, Walker '207 also teaches away from a non-registration system as claimed in claim 21 of the present application.

As stated in MPEP §2145, it is improper to modify references where the references teach away from the modification. Here, Dahod teaches away from allowing non-

registered users to receive information. Walker '207 also teaches away from allowing non-registered users to use the system. Since both Dahod and Walker teach away from the system claimed in the present application, the Examiner's rejection of claim 21 is improper and should be withdrawn.

Additionally, claim 21 requires storing search criteria in association with search-requester information. As discussed above with respect to claims 1, 9, and 16, Dahod makes no teaching, suggestion, or disclosure of storing such search criteria. Similarly, Walker '207 makes no teaching, suggestion, or disclosure of storing such search criteria. As stated in MPEP §2143.01, the mere fact that references can be modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. There is no suggestions of the desirability of storing search criteria in either Dahod or Walker '207. Thus, the Examiner's proposed combination of Dahod and Walker '207 fails to suggest storing the search criteria. For this additional reason, the Examiner's rejection of claim 21 should be withdrawn.

Claims 22 and 23 depend from claim 21. Since claim 21 is allowable for the reasons just discussed, claims 22 and 23 are thus also allowable, and the Examiner's rejection should be withdrawn.

#### *Claims 24-25*

The examiner rejected claims 24-25 as being unpatentable over Dahod in view of Walker '626 in further view of Flight.

Claims 24 and 25 depend from claim 21, discussed above. Since claim 21 is allowable for the reasons discussed above, claims 24 and 25, which add further limitations, are




also allowable. Thus, the Examiner's rejection of claims 24-25 is improper, and should be withdrawn.

\* \* \*

In view of the amendments submitted herewith and the foregoing remarks, it is respectfully submitted that all claims of the application are now in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By:   
Mark C. Young, Reg. No. 48,670  
STINSON MORRISON HECKER LLP  
1201 Walnut Street, Suite 2900  
Kansas City, MO 64106-2150  
Telephone: (816) 842-8600  
Facsimile: (816) 691-3495  
Attorney for Applicant